

FILED

10-03-2018

Walworth County

Clerk of Circuit Court
2018CV000615Honorable Daniel S.
Johnson

Branch 2

STATE OF WISCONSIN : CIRCUIT COURT : WALWORTH COUNTY

CHRISTINE PETERSEN
W3267 Poplar
Lake Geneva, WI 53147,

Plaintiff,

ALEX M. AZAR II,
SECRETARY OF THE DEPARTMENT OF HEALTH
AND HUMAN SERVICES
517 E. Wisconsin Ave.
Milwaukee, WI 53202,

SUMMONS

Case Number:

Case Code: 30107

Amount Claimed is Greater than
\$5,000.00

UNITED HEALTHCARE,
Registered Agent: Corporation Service Company
8040 Excelsior Drive
Suite 400
Madison, WI 53717
Subrogated Plaintiff,

v.

DIVERSEY, INC.

Registered Agent: Corporation Service Company
8040 Excelsior Drive
Suite 400
Madison, WI 53717,

DANE COUNTY LEGAL NOTICE
SERVED BY: *Joanne Van Norman*
ON 10/9/18 AT 2:23 P M

CINTAS CORPORATION NO.2
Registered Agent: Corporation Service Company
8040 Excelsior Drive
Suite 400
Madison, WI 53717,

SEALED AIR CORPORATION,
Registered Agent: Corporation Service Company
8040 Excelsior Drive
Suite 400
Madison, WI 53717,

LIBERTY MUTUAL INSURANCE COMPANY,
Registered Agent: Corporation Service Company

8040 Excelsior Drive
Suite 400
Madison, WI 53717,

ABC Corporation, a foreign or domestic corporation or entity, exact name
and address unknown,

XYZ Insurance Company, a foreign or domestic corporation or
Entity, exact name and present address unknown,
Defendants.

THE STATE OF WISCONSIN

TO EACH PERSON ANMED ABOVE AS A DEFENDANT

YOU ARE HEREBY NOTIFIED that the Plaintiff named above has filed a lawsuit or
other legal action against you. The complaint which is attached states the nature and basis of the
legal action.

Within forty-five (45) days after receiving this summons, you must respond with a written
answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the complaint.

The Court may reject or disregard an answer that does not follow the requirements of the statutes.

The answer must be sent or delivered to the Circuit Court for Walworth County whose address in
1800 County Road NN, Elkhorn, Wisconsin, 53121, and to the Plaintiff's attorney Kathryn P.

Heyer, whose address is 100 East Wisconsin Avenue, Suite 1020, Milwaukee, Wisconsin, 53202.

You may have an attorney help or represent you.

If you do not provide a proper answer within forty-five (45) days, the Court may grant
judgment against you for the award or money or other legal action requested in the complaint,
and you may lose your right to object to anything that is or may be incorrect in the complaint. A
judgment may be enforced as provided by law. A judgment awarding money may become a lien

against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated this 3rd day of October, 2018.

SPERLING LAW OFFICES LLC
Attorneys for Plaintiff

Electronically signed by Kathryn P. Heyer
Kathryn P. Heyer
State Bar ID #1030903
Kheyer@MilwaukeeLawFirm.com

P.O. Address:

100 E. Wisconsin Avenue
Suite 1020
Milwaukee, WI 53202
Tel: (414) 273-7100
Fax: (414) 276-9022

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STATE OF WISCONSIN : CIRCUIT COURT : WALWORTH COUNTY

CHRISTINE PETERSEN
W3267 Poplar
Lake Geneva, WI 53147,

Plaintiff,

ALEX M. AZAR II,
SECRETARY OF THE DEPARTMENT OF HEALTH
AND HUMAN SERVICES
517 E. Wisconsin Ave.
Milwaukee, WI 53202,

COMPLAINT

Case Number:

Case Code: 30107

Amount Claimed is Greater than
\$5,000.00

UNITED HEALTHCARE,
Registered Agent: Corporation Service Company
8040 Excelsior Drive
Suite 400
Madison, WI 53717
Subrogated Plaintiff,

v.

DIVERSEY, INC.
Registered Agent: Corporation Service Company
8040 Excelsior Drive
Suite 400
Madison, WI 53717,

CINTAS CORPORATION NO.2
Registered Agent: Corporation Service Company
8040 Excelsior Drive
Suite 400
Madison, WI 53717,

SEALED AIR CORPORATION,
Registered Agent: Corporation Service Company
8040 Excelsior Drive
Suite 400
Madison, WI 53717,

LIBERTY MUTUAL INSURANCE COMPANY,

Registered Agent: Corporation Service Company
8040 Excelsior Drive
Suite 400
Madison, WI 53717,

ABC Corporation, a foreign or domestic corporation or entity, exact name
and address unknown,

XYZ Insurance Company, a foreign or domestic corporation or
Entity, exact name and present address unknown,
Defendants.

NOW COMES the plaintiff, Christine Petersen, by her attorneys, Sperling Law Offices LLC, by Kathryn P. Heyer, and as and for a complaint against the above named defendants, hereby alleges and shows to the Court as follows:

1. That the plaintiff, Christine Petersen, is an adult individual residing at W3267 Poplar, Lake Geneva, Wisconsin.

2. That upon information and belief, the subrogated plaintiff United HealthCare is a domestic corporation with principal offices located at 10701 Research Drive, Milwaukee, Wisconsin, with a registered agent for service of process being Corporation Service Company, 8040 Excelsior Drive, Suite 400, Madison, WI 53717, and may have made certain payments on behalf of the plaintiff, Christine Petersen, with regard to medical expenses incurred by the plaintiff as a result of injuries sustained in the hereinafter described accident; said plaintiff alleges doubt as to whether or not said subrogated plaintiff is truly subrogated or interested in this action, but that said subrogated plaintiff is joined as a party subrogated plaintiff for the purpose of complying with the provisions of Wisconsin Statutes 803.03.

3. That Alex M. Azar, II, Secretary of the United States Department of Health and Human Services, has oversight responsibilities for the Health Care Financing Administration, the

agency responsible for administering the federal Medicare Program. The Medicare program may have paid health claims on behalf of the plaintiff Christine Petersen for medical care and services rendered as a result of the incident which is the subject of this case. Pursuant to 42 U.S.C. Sec. 1395y(b)(2), Medicare may be entitled to be reimbursed for related paid claims if plaintiff Christine Petersen recovers through settlement or judgment. The Plaintiff alleges doubt as to whether this Involuntary Plaintiff, is truly subrogated or interested in this action, but that said Involuntary Plaintiff is joined as a party for the purpose of complying with the provisions of § 803.03, Wis. Stats.

4. That upon information and belief the Defendant Diversey, Inc. is a foreign corporation with its principal offices located at 2415 Cascade Pointe Boulevard, Charlotte, North Carolina, and a registered agent for service of process, Corporation Service Company, 8040 Excelsior Drive, Madison, Wisconsin and is and was at all times material one of the businesses that provided cleaning products to Geneva Java at issue in this case.

5. That upon information and belief the Defendant Cintas Corporation No. 2 is a foreign corporation with its principal offices located at 6800 Cintas Blvd, Cincinnati, Ohio, and with a registered agent for service of process, Corporation Service Company, 8040 Excelsior Drive, Madison, Wisconsin and is and was at all times material one of the businesses that provided cleaning products to Geneva Java at issue in this case.

6. That upon information and belief the Defendant Sealed Air Corporation, is a foreign corporation with its principal offices located at 2415 Cascade Pointe Boulevard, Charlotte, North Carolina, and a registered agent for service of process, Corporation Service Company, 8040 Excelsior Drive, Madison, Wisconsin and is and was at all times material one of the businesses that provided cleaning products to Geneva Java at issue in this case.

7. That the Defendant, Liberty Mutual Insurance Company, is a foreign

insurance corporation with its principal place of business located at 175 Berkeley Street, Boston, Massachusetts, and a registered agent for service of process, Corporation Service Company, 8040 Excelsior Drive, Madison, Wisconsin. That upon information and belief, Liberty Mutual Insurance Company, provided liability insurance to the Defendants, Diversey, Inc., Cintas Corporation No. 2., and/or Sealed Air Corporation.

8. That the Defendant, ABC Corporation, is an individual or a foreign or domestic corporation; the name, address, registered agent, registered offices and state of incorporation are presently unknown to the Plaintiff and that in place of the actual name of the Defendant individual or corporation, a fictitious name, ABC Corporation, is being used for the Defendant pursuant to Wis. Stats. 807.12. ABC Corporation may have negligently provided the cleaning products to Geneva Java that caused injury to the plaintiff, and by reason of said alleged negligence, the Defendant, ABC Corporation, and/or its agents and/or employees, ABC Corporation is a proper party Defendant herein.

9. That the Defendant, XYZ Insurance Company, is a foreign or domestic insurance corporation; the name, address, registered agent, registered offices and state of incorporation of which are presently unknown to the Plaintiff and that in place of the actual name of the Defendant insurance company, a fictitious name is being used for the Defendant pursuant to Wis. Stats. 807.12. That upon information and belief, the Defendant, XYZ INSURANCE COMPANY, provided liability insurance to the Defendants, and also provided liability insurance insuring for any potential negligence of their respective agents, servants and/or employees, and that by reason of said insurance policy and the alleged negligence of the Defendants, and/or their respective agents/employees and the provisions of Wis. Stats. 803.04(2), the Defendant, XYZ INSURANCE COMPANY, is a proper party Defendant herein.

10. Beginning on or about November and December, 2015 plaintiff noticed unusual injuries to her feet. Consisting of, but not limited to, dry and cracking skin that would not heal, and eventually led to the development of cellulitis. Plaintiff was not able to determine the cause of her foot problems.

11. At all relevant times, plaintiff would rinse out and occasionally soak her shoes in a mixture of water and what she believed was pot and pan detergent from the Signet dispenser, after work at Geneva Joe.

12. On or about January 21, 2016 plaintiff discovered that the solution she had been using to wash her work shoes after a shift at Geneva Java was not pot and pan detergent but was floor cleaner.

13. At all relevant times, the delivery, maintenance and installation of the cleaning products used in the Signet dispenser at Geneva Joe was performed by employees/agents of Defendants Diversey, Inc., Cintas Corporation No. 2., Sealed Air Corporation, and/or ABC Corporation.

14. That the Defendants Diversey, Inc., Cintas Corporation No. 2., Sealed Air Corporation, and/or ABC Corporation and/or their respective agents/employees were careless and negligent in the delivery, maintenance and installation of the cleaning products used in the Signet dispenser at Geneva Joe.

15. That as a result or substantial factor of such negligence, Plaintiff Christine Petersen sustained multiple injuries, suffered great pain of body and mind, incurred medical and hospital expenses; that the Plaintiff's injuries may be permanent in nature, thereby causing the plaintiff to suffer pain and disability in the future, incur medical and hospital expenses in the future, sustain loss of earning capacity, all to her damage in an undisclosed amount pursuant to Wisconsin Statutes.

WHEREFORE, the plaintiff demands compensatory damages against the Defendants and for such other relief this Court deems just and proper.

PLAINTIFF DEMANDS TRIAL BY A JURY OF 12 PERSONS

SPERLING LAW OFFICES LLC
Attorneys for Plaintiff

Electronically signed by Kathryn P. Heyer
Kathryn P. Heyer
State Bar ID #1030903
Kheyer@MilwaukeeLawFirm.com

P.O. Address:

100 E. Wisconsin Avenue
Suite 1020
Milwaukee, WI 53202
Tel: (414) 273-7100
Fax: (414) 276-9022

STATE OF WISCONSIN**CIRCUIT COURT****WALWORTH COUNTY**

Christine Petersen vs. Diversey, Inc. et al

**Electronic Filing
Notice**

Case No. 2018CV000615

Class Code: Other-Personal Injury

FILED

10-03-2018

Walworth County

Clerk of Circuit Court

2018CV000615

Honorable Daniel S.
Johnson

Branch 2

DIVERSEY, INC.
8040 EXCELSIOR DR., SUITE 400
REGISTERED AGENT: CORPORATION SERVICE COMPANY
MADISON WI 53717

Case number 2018CV000615 was electronically filed with/converted by the Walworth County Clerk of Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases.

Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. Electronic parties are responsible for serving non-electronic parties by traditional means.

You may also register as an electronic party by following the instructions found at <http://efiling.wicourts.gov/> and may withdraw as an electronic party at any time. There is a \$ 20.00 fee to register as an electronic party.

If you are not represented by an attorney and would like to register as an electronic party, you will need to enter the following code on the eFiling website while opting in as an electronic party.

Pro Se opt-in code: 19d4dd

Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Registration is available to attorneys, self-represented individuals, and filing agents who are authorized under Wis. Stat. 799.06(2). A user must register as an individual, not as a law firm, agency, corporation, or other group. Non-attorney individuals representing the interests of a business, such as garnishees, must file by traditional means or through an attorney or filing agent. More information about who may participate in electronic filing is found on the court website.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 262-741-7012.

Walworth County Circuit Court

Date: October 5, 2018.